

108TH CONGRESS
1ST SESSION

S. 466

To provide financial assistance to State and local governments to assist them in preventing and responding to acts of terrorism in order to better protect homeland security.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2003

Mr. DASCHLE (for himself and Mr. LEAHY) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To provide financial assistance to State and local governments to assist them in preventing and responding to acts of terrorism in order to better protect homeland security.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “First Responders Part-
5 nership Grant Act of 2003”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act, the following definitions shall apply:

1 (1) INDIAN TRIBE.—The term “Indian tribe”
2 has the same meaning as in section 4(e) of the In-
3 dian Self-Determination and Education Assistance
4 Act (25 U.S.C. 450b(e)).

5 (2) LAW ENFORCEMENT OFFICER.—The term
6 “law enforcement officer” means any officer, agent,
7 or employee of a State, unit of local government,
8 public or private college or university, or Indian
9 tribe authorized by law or by a government agency
10 to engage in or supervise the prevention, detection,
11 or investigation of any violation of criminal law, or
12 authorized by law to supervise sentenced criminal of-
13 fenders.

14 (3) PUBLIC SAFETY OFFICER.—The term “pub-
15 lic safety officer” means any person serving a public
16 or private agency with or without compensation as
17 a law enforcement officer, as a firefighter, or as a
18 member of a rescue squad or ambulance crew.

19 (4) SECRETARY.—The term “Secretary” means
20 the Secretary of Homeland Security.

21 (5) STATE.—The term “State” means each of
22 the 50 States, the District of Columbia, and the
23 Commonwealth of Puerto Rico.

24 (6) UNIT OF LOCAL GOVERNMENT.—The term
25 “unit of local government” means a county, munici-

1 pality, town, township, village, parish, borough, or
 2 other unit of general government below the State
 3 level.

4 **SEC. 3. FIRST RESPONDERS PARTNERSHIP GRANT PRO-**
 5 **GRAM FOR PUBLIC SAFETY OFFICERS.**

6 (a) IN GENERAL.—The Secretary is authorized to
 7 make grants to States, units of local government, and In-
 8 dian tribes to support public safety officers in their efforts
 9 to protect homeland security and prevent and respond to
 10 acts of terrorism.

11 (b) USE OF FUNDS.—Grants awarded under this sec-
 12 tion shall be—

13 (1) distributed directly to the State, unit of
 14 local government, or Indian tribe; and

15 (2) used to fund overtime expenses, equipment,
 16 training, and facilities to support public safety offi-
 17 cers in their efforts to protect homeland security and
 18 prevent and respond to acts of terrorism.

19 (c) ALLOCATION AND DISTRIBUTION OF FUNDS.—

20 (1) SET-ASIDE FOR INDIAN TRIBES.—

21 (A) IN GENERAL.—The Secretary shall re-
 22 serve 1 percent of the amount appropriated for
 23 grants pursuant to this Act to be used for
 24 grants to Indian tribes.

25 (B) SELECTION OF INDIAN TRIBES.—

1 (i) IN GENERAL.—The Secretary shall
 2 award grants under this subparagraph to
 3 Indian tribes on the basis of a competition
 4 conducted pursuant to specific criteria.

5 (ii) RULEMAKING.—The criteria
 6 under clause (i) shall be contained in a
 7 regulation promulgated by the Secretary
 8 after notice and public comment.

9 (2) SET-ASIDE FOR RURAL STATES.—

10 (A) IN GENERAL.—The Secretary shall re-
 11 serve 5 percent of the amount appropriated for
 12 grants pursuant to this Act to be used for
 13 grants to rural States.

14 (B) SELECTION OF RURAL STATES.—The
 15 Secretary shall award grants under this para-
 16 graph to rural States (as defined in section
 17 1501(b) of the Omnibus Crime Control and
 18 Safe Streets Act of 1968 (42 U.S.C.
 19 3796bb(b))).

20 (3) MINIMUM AMOUNT.—The Secretary shall
 21 allocate, from the total amount appropriated for
 22 grants to States under this section—

23 (A) not less than 0.75 percent for each
 24 State; and

(B) not less than 0.25 percent for American Samoa, Guam, the Northern Mariana Islands, and the United States Virgin Islands, respectively.

(4) ALLOCATION TO METROPOLITAN CITIES AND URBAN COUNTIES.—The balance of the total amount appropriated for grants to States under this section after allocations have been made to Indian tribes, rural States, and the minimum amount to each State pursuant to paragraphs (1) through (3), shall be allocated by the Secretary to metropolitan cities and urban counties pursuant to paragraphs (5) and (6).

(5) COMPUTATION OF AMOUNT ALLOCATED TO METROPOLITAN CITIES.—

(A) COMPUTATION RATIOS.—The Secretary shall determine the amount to be allocated to each metropolitan city, which shall bear the same ratio to the allocation for all metropolitan cities as the weighted average of—

(i) the population of the metropolitan city divided by the population of all metropolitan cities;

(ii) the potential chemical security risk of the metropolitan city divided by the

1 potential chemical security risk of all met-
2 ropolitan cities;

3 (iii) the proximity of the metropolitan
4 city to the nearest operating nuclear power
5 plant compared to the proximity of all met-
6 ropolitan cities to the nearest operating
7 nuclear power plant to each such city;

8 (iv) the proximity of the metropolitan
9 cities to the nearest United States land or
10 water port compared with the proximity of
11 all metropolitan cities to the nearest
12 United States land or water port to each
13 such city;

14 (v) the proximity of the metropolitan
15 city to the nearest international border
16 compared with the proximity of all metro-
17 politan cities to the nearest international
18 border to each such city; and

19 (vi) the proximity of the metropolitan
20 city to the nearest Disaster Medical Assist-
21 ance Team (referred to in this subsection
22 as “DMAT”) compared with the proximity
23 of all metropolitan cities to the nearest
24 DMAT to each such city.

(B) CLARIFICATION OF COMPUTATION RATIOS.—

(i) RELATIVE WEIGHT OF FACTOR.—

In determining the average of the ratios under subparagraph (A)—

(I) the ratio involving population shall constitute 50 percent of the formula in calculating the allocation; and

(II) the remaining factors shall be equally weighted.

(ii) POTENTIAL CHEMICAL SECURITY RISK.—If a metropolitan city is within the vulnerable zone of a worst-case chemical release (as specified in the most recent risk management plans filed with the Environmental Protection Agency, or another instrument developed by the Environmental Protection Agency or the Homeland Security Department that captures the same information for the same facilities), the ratio under subparagraph (A)(ii) shall be 1 divided by the total number of metropolitan cities that are within such a zone.

(iii) PROXIMITY AS IT PERTAINS TO NUCLEAR SECURITY.—If a metropolitan

city is located within 50 miles of an operating nuclear power plant (as identified by the Nuclear Regulatory Commission), the ratio under subparagraph (A)(iii) shall be 1 divided by the total number of metropolitan cities, not to exceed 100, which are located within 50 miles of an operating nuclear power plant.

(iv) PROXIMITY AS IT PERTAINS TO PORT SECURITY.—If a metropolitan city is located within 50 miles of 1 of the 100 largest United States ports (as stated by the Department of Transportation, Bureau of Transportation Statistics, United States Port Report by All Land Modes), or within 50 miles of 1 of the 30 largest United States water ports by metric tons and value (as stated by the Department of Transportation, Maritime Administration, United States Foreign Waterborne Transportation Statistics), the ratio under subparagraph (A)(iv) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of a United States land or water port.

1 (v) PROXIMITY TO INTERNATIONAL
 2 BORDER.—If a metropolitan city is located
 3 within 50 miles of an international border,
 4 the ratio under subparagraph (A)(v) shall
 5 be 1 divided by the total number of metro-
 6 politan cities that are located within 50
 7 miles of an international border.

8 (vi) PROXIMITY TO DISASTER MED-
 9 ICAL ASSISTANCE TEAM.—If a metropoli-
 10 tan city is located within 50 miles of a
 11 DMAT, as organized by the National Dis-
 12 aster Medical System, the ratio under sub-
 13 paragraph (A)(vi) shall be 1 divided by the
 14 total number of metropolitan cities that
 15 are located within 50 miles of a DMAT.

16 (6) COMPUTATION OF AMOUNT ALLOCATED TO
 17 URBAN COUNTIES.—

18 (A) COMPUTATION RATIOS.—The Sec-
 19 retary shall determine the amount to be allo-
 20 cated to each urban county, which shall bear
 21 the same ratio to the allocation for all urban
 22 counties as the weighted average of—

23 (i) the population of the urban county
 24 divided by the population of all urban
 25 counties;

1 (ii) the potential chemical security
2 risk of the urban county divided by the po-
3 tential chemical security risk of all urban
4 counties;

5 (iii) the proximity of the urban county
6 to the nearest operating nuclear power
7 plant compared to the proximity of all
8 urban counties to the nearest operating
9 nuclear power plant to each such county;

10 (iv) the proximity of the urban coun-
11 ties to the nearest United States land or
12 water port compared with the proximity of
13 all urban counties to the nearest United
14 States land or water port to each such
15 county;

16 (v) the proximity of the urban county
17 to the nearest international border com-
18 pared with the proximity of all urban coun-
19 ties to the nearest international border to
20 each such county; and

21 (vi) the proximity of the urban county
22 to the nearest Disaster Medical Assistance
23 Team (referred to in this subsection as
24 “DMAT”) compared with the proximity of

1 all urban counties to the nearest DMAT to
2 each such county.

3 (B) CLARIFICATION OF COMPUTATION RA-
4 TIOS.—

5 (i) RELATIVE WEIGHT OF FACTOR.—

6 In determining the average of the ratios
7 under subparagraph (A)—

8 (I) the ratio involving population
9 shall constitute 50 percent of the for-
10 mula in calculating the allocation; and

11 (II) the remaining factors shall
12 be equally weighted.

13 (ii) POTENTIAL CHEMICAL SECURITY
14 RISK.—If an urban county is within the
15 vulnerable zone of a worst-case chemical
16 release (as specified in the most recent risk
17 management plans filed with the Environ-
18 mental Protection Agency, or another in-
19 strument developed by the Environmental
20 Protection Agency or the Homeland Secu-
21 rity Department that captures the same in-
22 formation for the same facilities), the ratio
23 under subparagraph (A)(ii) shall be 1 di-
24 vided by the total number of urban coun-
25 ties that are within such a zone.

1 (iii) PROXIMITY AS IT PERTAINS TO
2 NUCLEAR SECURITY.—If an urban county
3 is located within 50 miles of an operating
4 nuclear power plant (as identified by the
5 Nuclear Regulatory Commission), the ratio
6 under subparagraph (A)(iii) shall be 1 di-
7 vided by the total number of urban coun-
8 ties, not to exceed 100, which are located
9 within 50 miles of an operating nuclear
10 power plant.

11 (iv) PROXIMITY AS IT PERTAINS TO
12 PORT SECURITY.—If an urban county is lo-
13 cated within 50 miles of 1 of the 100 larg-
14 est United States ports (as stated by the
15 Department of Transportation, Bureau of
16 Transportation Statistics, United States
17 Port Report by All Land Modes), or within
18 50 miles of 1 of the 30 largest United
19 States water ports by metric tons and
20 value (as stated by the Department of
21 Transportation, Maritime Administration,
22 United States Foreign Waterborne Trans-
23 portation Statistics), the ratio under sub-
24 paragraph (A)(iv) shall be 1 divided by the
25 total number of urban counties that are lo-

1 cated within 50 miles of a United States
 2 land or water port.

3 (v) PROXIMITY TO INTERNATIONAL
 4 BORDER.—If an urban county is located
 5 within 50 miles of an international border,
 6 the ratio under subparagraph (A)(v) shall
 7 be 1 divided by the total number of urban
 8 counties that are located within 50 miles of
 9 an international border.

10 (vi) PROXIMITY TO DISASTER MED-
 11 ICAL ASSISTANCE TEAM.—If an urban
 12 county is located within 50 miles of a
 13 DMAT, as organized by the National Dis-
 14 aster Medical System, the ratio under sub-
 15 paragraph (A)(vi) shall be 1 divided by the
 16 total number of urban counties that are lo-
 17 cated within 50 miles of a DMAT.

18 (7) EXCLUSIONS.—

19 (A) IN GENERAL.—In computing amounts
 20 or exclusions under paragraph (6) with respect
 21 to any urban county, units of general local gov-
 22 ernment located in the county shall be excluded
 23 if the populations of such units are not counted
 24 to determine the eligibility of the urban county
 25 to receive a grant under this subsection.

(B) INDEPENDENT CITIES.—

(i) IN GENERAL.—In computing amounts under subparagraph (A), there shall be included any independent city (as defined by the Bureau of the Census) which—

(I) is not part of any county;

(II) is not eligible for a grant;

(III) is contiguous to the urban county;

(IV) has entered into cooperation agreements with the urban county which provide that the urban county is to undertake or to assist in the undertaking of essential community development and housing assistance activities with respect to such independent city; and

(V) is not included as a part of any other unit of general local government for purposes of this section.

(ii) LIMITATION.—Any independent city that is included in the computation under this clause (i) shall not be eligible to receive assistance under this subsection for

1 the fiscal year for which such computation
2 is used to allocate such assistance.

3 (8) INCLUSION.—

4 (A) LOCAL GOVERNMENT STRADDLING
5 COUNTY LINE.—In computing amounts or ex-
6 clusions under paragraph (6) with respect to
7 any urban county, all of the area of any unit
8 of local government shall be included, which is
9 part of, but is not located entirely within the
10 boundaries of, such urban county if—

11 (i) the part of such unit of local gov-
12 ernment that is within the boundaries of
13 such urban county would otherwise be in-
14 cluded in computing the amount for such
15 urban county under this subsection; and

16 (ii) the part of such unit of local gov-
17 ernment that is not within the boundaries
18 of such urban county is not included as a
19 part of any other unit of local government
20 for the purpose of this subsection.

21 (B) USE OF GRANT FUNDS OUTSIDE
22 URBAN COUNTY.—Any amount received under
23 this section by an urban county described under
24 subparagraph (A) may be used with respect to

the part of such unit of local government that
is outside the boundaries of such urban county.

(9) POPULATION.—

(A) EFFECT OF CONSOLIDATION.—Where
data are available, the amount to be allocated
to a metropolitan city that has been formed by
the consolidation of 1 or more metropolitan cit-
ies within an urban county shall be equal to the
sum of the amounts that would have been allo-
cated to the urban county or cities and the bal-
ance of the consolidated government if such
consolidation had not occurred.

(B) LIMITATION.—Subparagraph (A) shall
apply only to a consolidation that—

(i) included all metropolitan cities
that received grants under this section for
the fiscal year preceding such consolidation
and that were located within the urban
county;

(ii) included the entire urban county
that received a grant under this section for
the fiscal year preceding such consolida-
tion; and

(iii) took place on or after January 1,
2003.

1 (C) GROWTH RATE.—The population
 2 growth rate of all metropolitan cities defined in
 3 this section shall be based on the population
 4 of—

5 (i) metropolitan cities other than con-
 6 solidated governments the grant for which
 7 is determined under this paragraph; and

8 (ii) cities that were metropolitan cities
 9 before their incorporation into consolidated
 10 governments.

11 (d) MAXIMUM AMOUNT PER GRANTEE.—

12 (1) IN GENERAL.—A qualifying State, unit of
 13 local government, or Indian tribe may not receive
 14 more than 5 percent of the total amount appro-
 15 priated for grants under this Act.

16 (2) AGGREGATE AMOUNT PER STATE.—A State,
 17 together with the grantees within the State, may not
 18 receive more than 20 percent of the total amount
 19 appropriated for grants under this Act.

20 (e) MATCHING FUNDS.—

21 (1) IN GENERAL.—The portion of the costs of
 22 a program provided by a grant under subsection (a)
 23 may not exceed 90 percent.

24 (2) WAIVER.—If the Secretary determines that
 25 a grantee is experiencing fiscal hardship, the Sec-

1 retary may waive, in whole or in part, the matching
2 requirement under paragraph (1).

3 (3) EXCEPTION.—Any funds appropriated by
4 Congress for the activities of any agency of an In-
5 dian tribal government or the Bureau of Indian Af-
6 fairs performing law enforcement functions on any
7 Indian lands may be used to provide the non-Federal
8 share of a matching requirement under paragraph
9 (1).

10 **SEC. 4. APPLICATIONS.**

11 (a) IN GENERAL.—To request a grant under this
12 Act, the chief executive of a State, unit of local govern-
13 ment, or Indian tribe shall submit an application to the
14 Secretary in such form and containing such information
15 as the Secretary may reasonably require.

16 (b) REGULATIONS.—Not later than 90 days after the
17 date of enactment of this Act, the Secretary shall promul-
18 gate regulations to implement this section (including the
19 information that must be included and the requirements
20 that the States, units of local government, and Indian
21 tribes must meet) in submitting the applications required
22 under this section.

1 **SEC. 5. AUTHORIZATION AND APPROPRIATION.**

2 There are authorized to be appropriated, and are ap-
3 propriated, \$5,000,000,000 for fiscal year 2003 to carry
4 out this Act.

○